

United States Courts  
Southern District of Texas  
FILED

APR 19 2015

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

Miguel Angel ALMANZA  
& Carmen MARTINEZ

## CRIMINAL COMPLAINT

Case Number: C-15-466m

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/17/2015 in Kenedy County, in the

(Date)

Southern District of Texas defendant(s), Miguel Angel ALMANZA & Carmen MARTINEZ

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:

Official Title

See Attached Affidavit of U.S. Border Patrol Agent

David Smith

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

David Smith  
Signature of Complainant

David Smith  
Printed Name of Complainant

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found:

April 19, 2015 at 6:18 p.m.

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Jason B. Libby  
Signature of Judicial Officer

### AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On Friday April 17, 2015, at approximately 11:45 p.m., Border Patrol Agent Jerry Flores was traveling on US Highway 77 northbound from the United States Border Patrol Checkpoint Sarita, Texas to the United States Border Patrol Station Kingsville, Texas.

While passing the Birdwatchers area on the northbound lane of US HWY 77, he observed a grey four door sedan parked on the shoulder with its hazard lights on. The vehicle appeared to be one that was searched at the Border Patrol checkpoint Sarita, Texas after a canine alert less than an hour earlier. Agent Flores remembered that one of the subjects from that vehicle had a prior arrest at the Border Patrol Checkpoint in Sarita, Texas for alien smuggling. Knowing that information, he decided to wait for the vehicle one crossover north of the location where he saw it parked. As he waited for it to pass his location, he called for additional agents to assist in conducting a traffic stop on the vehicle. From the agent's knowledge of the area, the vehicle was parked in a well-known location for picking up undocumented aliens after they walked around the checkpoint. The agent also noted that this vehicle was just north of the Sarita, Texas rest area, but had its hazard lights on while parked on the side of the road. He noted that from his experience, this is a common tactic to indicate to aliens in the brush that the vehicle is ready to pick them up.

When the vehicle passed Agent Flores's location, it appeared to be riding extremely low from the rear end and as bouncing excessively. Once the vehicle passed, he began to follow the vehicle from a distance as the additional agents were waiting for them to get closer. Before the vehicle reached the other agents, it pulled over onto the shoulder just north of Los Olmos Creek on US HWY 77. As Agent Flores was pulling in behind the vehicle, he saw several people run from the sedan and jump a fence into the brush. Knowing that the individuals were running from his marked Border Patrol vehicle, Agent Flores believed he had encountered an attempted smuggling load.

As the agent was exiting his vehicle in an attempt to find these individuals fleeing from him, he observed two individuals who remained in the vehicle. He immediately turned his attention to the two people in the sedan and began to give commands to put their hands up and touch the roof. He waited for backup before removing the subjects from the vehicle. The driver was identified as Miguel Angel ALMANZA and the passenger was identified as Carmen MARTINEZ. Agent Flores recognized both of the individuals from the secondary inspection area Border Patrol checkpoint near Sarita, Texas from earlier that night.

Both ALMANZA and MARTINEZ were identified as United States citizens. Three subjects were apprehended minutes later in the brush just east of where the vehicle had stopped. All three subjects were questioned regarding their citizenship and admitted to being in the United States illegally. They were identified as citizens of Mexico. All subjects and the vehicle were transported to the Border Patrol Station in Kingsville, Texas for further questioning and processing.

The driver, Miguel Angel ALMANZA, was read his rights and requested an attorney. No further questions related to the case were asked. The passenger, Carmen MARTINEZ, and the three smuggled aliens were read their rights and agreed to make statements without the presence of an attorney.

Carmen MARTINEZ stated that she was visiting with Mike, an ex-boyfriend, when he asked her if she wanted to go to San Antonio, TX to smuggle an unknown number of undocumented aliens. She identified "Mike" as the other person in the vehicle with her. Mike told her that the purpose of the trip was to make money by smuggling illegal aliens north to San Antonio who had already walked around the checkpoint. She said they were going to be paid \$5,000, of which she was going to receive half. She said that after they passed through the checkpoint, Mike used her phone to call one of the people in the brush to find out their location. She then claimed that the vehicle turned off by itself and they stopped on the side of the road. MARTINEZ was asked how many undocumented aliens they had picked up and she said three to four people. She said that she did not look behind her and was trying not to pay attention to any of it. MARTINEZ said the people opened the door of the vehicle themselves and got in the backseat. She said that Mike told the aliens to get out of the vehicle when the Border Patrol agent was behind them. MARTINEZ also told agents that she was previously arrested for alien smuggling, but that charges were dropped. Record checks show that she was arrested on March 22, 2015 in Sarita, Texas by Border Patrol with one smuggled alien in the vehicle.

Photographs of the vehicle's backseat was consistent with MARTINEZ's statement. The pictures show sand approximately at knee level on the seats in front of them and on the door frames where their feet would have touched it upon entry and exit from the vehicle. There was also brush remains in the trunk even though Agent Flores did not find anyone in the trunk on this encounter. The trunk pictures also show multiple loose panel fasteners or trim rivets in the trunk. Removal of these items gives access behind the interior paneling or trim of the vehicle, which can be a technique for smuggling contraband through the checkpoint.

The three apprehended smuggled aliens said that they walked through the brush for a number of days. They said that they waited on the side of the highway for their vehicle to pick them up. They said that they ran to a vehicle where a man was the driver and he had a woman with him.

Marcia LOPEZ-Lujan said that after crossing the Rio Grande River from Mexico, she said that her group was taken to a stash house where they waited for a few days. She said that they were taken to the brush so that their small group could walk to another vehicle, which took about two days. LOPEZ was able to identify Miguel Angel ALMANZA in a photographic lineup as the driver of the vehicle they had gotten into after leaving the brush. She was not able to identify Carmen MARTINEZ from a photographic lineup, but remembered her as being heavy set with short hair.

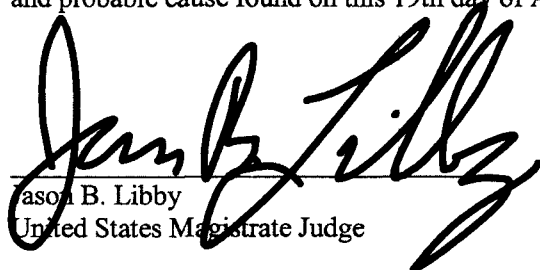
Rene JACINTO-Pacheco said that after crossing the Rio Grande River, his group was picked up and taken to a stash house where they waited for about a day. He said that they were driven to the brush and walked for about three days. After waiting for a few hours on the side of the highway, a car arrived and they got into it. He was able to identify Carmen MARTINEZ in a photographic lineup as the passenger in the vehicle. He said a man was driving, but was unable to identify him. He said that after driving for a few minutes, the car stopped and he ran into the brush.

Martin MORALES-Perez said that after crossing the Rio Grande River, he was picked up and taken to a house where he stayed for about a day. He said that a car arrived at the stash house and he was taken in a small group to the brush. After walking for about three days, he said they waited by the side of the highway for two hours for their next ride. He said they got inside the vehicle when it arrived. MORALES described the driver as a man with no hair on the sides of his head and hair down the middle. He was unable to identify the driver or passenger in the vehicle in photographic lineups. He said that after the vehicle was driving for a few minutes, the car stopped and they were told to run into the brush.

The facts of this case were presented to Assistant United States Attorney Michael Hess who accepted both Miguel Angel ALMANZA and Carmen MARTINEZ for prosecution of 8 USC 1324, Alien Smuggling. Marcia LOPEZ-Lujan, Rene JACINTO-Pacheco, and Martin MORALES-Perez were held as material witness in this case.

  
David Smith, Border Patrol Agent

Submitted by reliable electronic means, sworn to,  
signature attested telephonically per Fed.R.Crim.P.4.1,  
and probable cause found on this 19th day of April 2015:

  
Jason B. Libby  
United States Magistrate Judge